

UNITED STATES OF AMERICA, )  
)  
vs. )  
)  
MARK KLEIN, ) **ORDER**  
)  
Defendant. )  
)

use of [its] various statutory authorities to grant home confinement for inmates seeking transfer in connection with the ongoing COVID-19 pandemic,” the Court is confident that the Bureau will speedily resolve Defendant’s compassionate release request. Id. (quoting Memorandum from Attorney Gen. to Dir., Bureau of Prisons 1 (Mar. 26, 2020)). Because Defendant has failed to show he exhausted administrative remedies provided by the Bureau, the Court declines to exercise any discretion it may have to modify Defendant’s term of imprisonment at this time. See, e.g., United States v. Vigna, No. 16-CR-786, 2020 WL 1900495, at \*6 (S.D.N.Y. Apr. 17, 2020) (declining to address the exhaustion question and requiring a defendant to file a compassionate release request with the Bureau). Defendant may refile his motion with supporting evidence<sup>1</sup> after exhausting available administrative remedies.

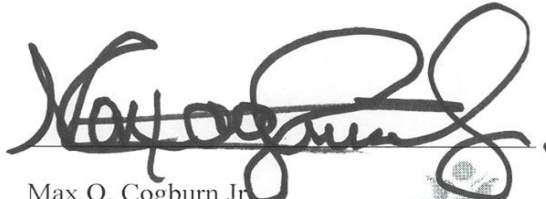
---

<sup>1</sup> Defendant has also failed to include any evidence supporting the assertions he made in his motion. The Court thus declines to exercise its discretion to order relief on this basis as well.

**ORDER**

**IT IS, THEREFORE, ORDERED** that Defendant's pro se Motion for Compassionate Release/Reduction in Sentence, Doc. No. 103, is **DENIED**.

Signed: May 15, 2020



Max O. Cogburn Jr.  
United States District Judge